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Paper No. 11

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OFFICE OF PETITIONS

In re Application of :
Stedman, Gervais, Mills, Miller, : DECISION ACCORDING STATUS
and Brim : UNDER 37 CFR 1.47(a)
Application No. 10/032,988 :
Filed: 27 December, 2001 :
Atty Docket No. WDIC117389 :

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 7 November, 2003 (certificate of mailing date 4 November, 2003).

The petition is **GRANTED**.

Petitioners have shown that, despite diligent efforts, the non-signing inventor has refused to sign the declaration for the above-identified application. Specifically, petitioners explain that the non-signing inventor contacted petitioners' registered patent attorney, Scott Y. Shigeta, by phone, and stated he was unwilling to sign any declaration for this application. Under the specific circumstances of this case, it has been concluded that the non-signing inventor has refused to join in the filing of this reissue application.

Petitioners have now presented a proper reissue declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Petitioners state that the decision mailed on 6 May, 2003, was not timely received because it was "misrouted" by the USPTO and that therefore petitioners should not be required to purchase extensions of time. However, a review of the decision mailed on 6 May, 2003, shows that it was in fact mailed to the address of record. In the absence of evidence to the contrary, any Office actions which are mailed are presumed to be timely received. Petitioners have presented no evidence that the Office action was not timely received. Therefore, counsel's deposit account, No. 03-1740, will be charged \$1,480.00 for a four (4) month extension of time.

After this decision is mailed, the application will be forwarded to Technology Center 2100 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions